THE HON'BLE SMT JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

W.P.No.19137 of 1997

Dated: 15.09.2005

Between

1.Rajesh Prashar and others

..Petitioners

and

1.The Registrar, Central Administrative Tribunal, Hyderabad and others.

..Respondents

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

W.P.No.19137 of 1997

ORDER: *(per the Hon'ble Smt. Justice T. Meena Kumari)*

The petitioners were employed as supporting staff in the Project Directorate on Poultry, Rajendra Nagar, Hyderabad, the third respondent herein. The second respondent, *vide* his letter, dated 18.02.1988, prescribed the working hours for technical and supporting staff at Farm, field and workshop as 8 hours per day, however, subsequently, through letter, dated 21.09.1990, the same were reduced to 6 ½ hours. Accordingly, from 01.10.1990, the working hours of the technical and supporting staff of the third respondent were reduced from 8 to 6 ½ hours per day. In that view of the matter, the second respondent, on being received many representations from the staff, decided to grant compensatory leave to the technical staff, who have performed extra duty between 18.02.1988 and 21.09.1990. As per the letters, dated 11.04.1994, 29.06.1994 and 15.09.1995 of the second respondent, the petitioners are entitled to grant of compensatory leave for the extra hours of work rendered by them between 18.02.1988 and 21.09.1990. Therefore, they submitted a representation dated 14.05.1996, followed by the one dated 08.10.1996 to the third respondent requesting grant of compensatory leave, but no action has been taken on the same so far.

Aggrieved by the action of the third respondent, refusing to comply with the Circular dated 15.09.1995, the petitioners filed O.A.No.1709 of 1997 before the Central Administrative Tribunal at Hyderabad (for short 'the Tribunal') seeking grant of compensatory leave. The Tribunal, after hearing the learned counsel on either side, dismissed the O.A. Aggrieved thereby, the petitioner filed the present writ petition.

The learned counsel for the petitioners contends that in view of Circular, dated 18.02.1988, the petitioners have performed 8 hour-duty and therefore they are entitled to the compensatory leave from 18.02.1988 to 21.09.1990.

The learned counsel for the respondents, on the other hand, contends that there is no illegality or infirmity in the order passed by the Tribunal and as such no interference need be warranted.

The main contention of the petitioners is that they worked for eight hours a day for the period from 18.02.1988 to 21.09.1990 and, therefore, in view of the Circular dated 15.09.1995, they are entitled to compensatory leave for the above said period. The respondents contended before the Tribunal that there was no work for the staff for eight hours on any date and in that view of the matter the Institute was obliged to evolve its own working hours which did not exceed 6 ½ hours on any day. Thus, although the staff was recruited as per the sanction accorded, they did not have to perform work beyond 6 ½ hours during this period. The Tribunal observed that it may not be administratielyl expedient to reopen an issue which was discussed t length at a meeting of the Joint Staff Council and thus dismissed the O.A.

A perusal of the record goes to show that during the initial period of newly-established project, i.e. before it took proper shape, there was no work on the Farm beyond the maximum hours performed by the Administrative Staff of the Directorate. In view of the fact that there is no work for the employees, the working hours were reduced from 8 to 6 ½, we are of the opinion that the Tribunal is just in dismissing the O.A. Therefore, we do not find any reasons to interfere with the order passed by the Tribunal.

The writ petition is accordingly dismissed. There shall be no order as to costs.